

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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COREY WILLIAMS,

Petitioner,

-v-

SUPERINTENDENT CHAPPIUS, et al.,

Respondents.

16 Civ. 8329 (PAE) (SN)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

On November 16, 2018, Magistrate Judge Sarah Netburn issued a Report and Recommendation (the “Report”) recommending that petitioner Corey Williams’ petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. For the following reasons, the Court adopts the Report in full and denies Williams’ petition.

**I. Background**

The Court incorporates by reference the summary of the trial and procedural history set forth in the Report. *See* Report at 3–9.

**II. Discussion**

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF) (RLE), 2014 WL 4635575, at \*2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC) (AJP), 2009 WL 2001439, at \*4 (S.D.N.Y. July 8, 2009), *aff’d* 453 Fed. App’x 88 (2d Cir. 2011)); *see also, e.g.*,

*Mims v. Walsh*, No. 04 Civ. 6133 (BSJ) (FM), 2012 WL 6699070, at \*2 (S.D.N.Y. Dec. 23, 2012) (quoting *Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006)). Here, because neither party has submitted objections to the Report, review for clear error is appropriate.

### **CONCLUSION**

Careful review of Judge Netburn’s thorough and well-reasoned Report reveals that there is no facial error in its conclusions. Accordingly, the Court adopts the Report, which is incorporated by reference herein, without modification. The Court therefore denies the petition for habeas corpus. The Court respectfully directs the Clerk of Court to terminate the motions pending at Dkts. 16 and 36, and to close this case.

The parties’ failure to file written objections, as noted in the Report, precludes appellate review of this decision. See *Caidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008); *Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam). The Court therefore declines to issue a certificate of appealability and certifies that any appeal from this order would not be taken in good faith; therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

The Court directs the Clerk to mail a copy of this decision to petitioner at the address on file.

SO ORDERED.

  
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Paul A. Engelmayer  
United States District Judge

Dated: January 25, 2019  
New York, New York